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Attorneys for Plaintiff
Roots Ready Made Garments Co. W.L.L.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ROOTS READY MADE GARMENTS CO.
W.L.L.,

Plaintiff,

v.

THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC,

Defendants.

Case No: C 07 3363 CRB

DECLARATION OF BRADLEY J. NASH
IN SUPPORT OF PLAINTIFF'S EX PARTE
APPLICATION TO EXTEND TIME TO
SERVE OPPOSITIONS TO DEFENDANTS'
MOTIONS IN LIMINE

Date: N/A
Time: N/A
Place: Courtroom 8, 19th Floor
Judge: Hon. Charles R. Breyer

Bradley J. Nash declares the following under penalty of perjury:

1. I am an attorney admitted to appear before this Court *pro hac vice* in this matter, and am counsel to Plaintiff Roots Ready Made Garments Co. W.L.L. ("Roots").

2. I make this Declaration in support of Plaintiff's ex parte application to extend time to serve Roots oppositions to Gap's motions *in limine*.

3. During the summary judgment hearing on August 29, this Court re-scheduled the pre-trial conference from September 30 to October 3. Pursuant to that schedule, the parties were to serve motions *in limine* on September 12 (20 calendar days before the conference);

1 oppositions would be due on September 23; and the fully-briefed motions would be filed on
2 September 26.

3 4. On September 11, the Court issued an order rescheduling the conference for
4 October 1 – a date when counsel for Roots and Gap were unavailable.

5 5. On September 12, the parties jointly filed a stipulation and proposed order,
6 requesting that the pretrial conference be adjourned until October 6.

7 6. The parties also agreed to exchange motions *in limine* on Monday, September 15.
8 I requested this extension because my wife required multiple emergency room visits that week
9 due to intractable pain caused by kidney stones. She is schedule to have surgery on Wednesday,
10 September 17 to remove the stones.

11 7. Later on September 12, the court issued an order rescheduling the pre-trial
12 conference to September 26.

13 8. On September 15, the parties served their motions *in limine*. Roots served two
14 motions. Gap served six motions (exceeding the five-motion limit), one of which is 17 pages
15 long (exceeding the seven-page limit).

16 9. Gap did not seek “advance permission” to exceed the motion and page limits, as
17 required by paragraph 1(f) of this Courts Guidelines for Trial and Final Pretrial Conference In
18 Civil Jury Cases (“Trial Guidelines”). Rather, Gap’s counsel, Dan Jackson, informed me on
19 September 15 of Gap’s intent to exceed both the five-motion limit, and the seven-page limit for
20 one of the briefs. When I did not immediately consent, Mr. Jackson announced that Gap would
21 file an ex parte application with the Court simultaneously with service of the motions.

22 10. Noting that the Trial Guidelines require the parties to file fully-briefed motions *in*
23 *limine* seven days before the pretrial conference, Gap proposed that the parties agree to serve
24 oppositions to the motions three days later, on Thursday, September 18.

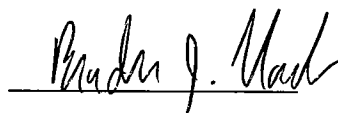
25 11. I responded that three days would not allow Roots sufficient time to respond to
26 six separate motions, totaling 46 pages. In addition, the schedule was unworkable because of
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1 my wife's scheduled surgery on September 17, and because the parties also needed to exchange
2 and negotiate drafts of other materials for the joint proposed pre-trial order.

3 12. Mr. Jackson refused to consent to any adjournment of the pre-trial deadlines.
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5 I declare under penalty of perjury that the foregoing is true and correct.
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7 Executed this 16th day of September 2008 in New York, New York.
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11 Bradley J. Nash
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